



The Federal Supreme Court (F.S.C.) has been convened on 25.2.2013 headed by the Judge Madhat Al-Mahmood and the membership of Judges Farooq Mohammed Al-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-Nagshabandi, Abood Salih Al-Temime, Michael Shamshon Qas Georges and Hussein Abbas Abu Al-Temmen whom are authorized in the name of the people to judge, they made the following decision:

The Plaintiff:

(sin.mim.ra.shin.) his agent the attorney (nun. Jim. Sin.).

The defendant:

The Speaker of the Iraqi Council of Representatives (I.C.R.)/ being in this post – his agent the senior legal advisor (heh. mim. sin.).

The claim:

The agent of the plaintiff claimed that the defendant in addition to his post referred his client by the decision no.(1400) on 4.10.2012 attached with the minute of the parliamentary committee formed under the parliamentary order no.(626) on 6.8.2012 and the report of the Office of Financial Supervision no.(2094) on 25.2.2012 referred him to

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the Integrity Committee to investigate with him in light of the instructions of the parliamentary committee, as the plaintiff' department (the Iraqi Central Bank) is associated financially and administratively with the Council of Ministers according to article (103/3rd) of the constitution, and it enjoys the legal immunity according to article (23) of the Central Bank Law, noting that no administrative investigation previously occur in the subject attributed to the plaintiff, considering that the parliamentary committee included the president of the office of the financial supervision and he is not a Representative which makes it formation unconstitutional. For the aforementioned, the plaintiff' agent requested to repeal the defendant decision no.(1400) dated on 4.10.2012 and the parliamentary order no.(626) dated on 6.8.2012 and the report of the committee formed by it for violating the constitution. after registering the lawsuit the defendant was informed with the case petition and its attachments he submitted his response, the date 25.2.2013 was set for argument, the court heard the statements of the agents. whereas nothing left to be seed, the argument is closed, the decision issued publicly.

The decision:

During scrutiny and deliberation by the F.S.C., it found that the plaintiff agent request in the lawsuit to repeal the

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Kurdish text

defendant decision no.(1400) dated on 4.10.2012 and the parliamentary order no.(626) dated on 6.8.2012 and the report of the committee formed by it. As the subject of the lawsuit is related to administrative decision which the law has set the path to challenge, therefore considering it is out of the F.S.C. jurisdictions that are stipulated in article (93) of the constitution and article (4) of its law no.(30) for 2005. accordingly the court decided to dismiss the lawsuit formally for not competency and to burden the plaintiff the expenses and advocacy fees for the defendant' agents amount of (one hundred thousand) IQ.D. This decision has been issued unanimously on 25.2.2013.

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